

## **REMARKS**

Claims 1, 4, and 6-26 are pending in the application; claims 2, 3, 5 have been canceled.

### **Election/Restriction**

Examiner has stated in the office action that claims **17-26** (Office Action Summary) or **18-26** (Page 2 under the heading Election/Restriction) are withdrawn from consideration as being drawn to a non elected species. Applicant respectfully submits that this is incorrect.

Claims 17 and 18 belong to the group of claims that have been elected by applicant in the response dated 11/21/06 to the election/restriction requirement.

Claims 17 and 18 both are drawn to Fig. 1:

- claim 17 defines the fan 11 as being fixedly mounted on the motor shaft 21; this is achieved in that the fan wheel 11 is fixedly secured on the hub 7 (paragraph 0016, 4th sentence) and in that the hub 7 with attached wheel fan 11 is fixed on the motor shaft 21 (see paragraph 0018, second to last sentence); this arrangement is shown in Fig. 1;
- claim 18 defines that the cooling unit has at least one flow chamber for a cooling medium (Fig. 1 shows flow chamber 23 for cooling medium in the form of cooling air; see paragraph 0020, 1st and 2nd sentences).

Therefore, it is respectfully submitted that claims 17 and 18 belong to the elected species of Fig. 1.

### **Priority**

The Office Action Summary states that none of the certified copies of the priority documents have been received in the USPTO. However, Examiner acknowledges receipt of the priority document on page 2 of the office action. Also, PAIR shows the certified copy as being of record as of 9/27/2004. Therefore, the requirements in regard to claiming priority have been fulfilled by applicant.

### **Rejection under 35 U.S.C. 102**

Claims 1-16 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Kummer et al. (US 5,315,193)*.

The examiner argues that *Kummer et al.* discloses a tool with electric motor 3 driving a shaft 4 on which is mounted a fan 5. The shaft engages a gear arrangement that turns

the power 90 degrees to output at grinding disk 9.

The device of the present invention is defined in accordance with claim 1 by a gear unit having a gear shaft 5 and a motor unit having a motor shaft 21. The device comprises a coupling unit 6 arranged between the gear unit and the motor unit. The coupling unit 6 drivingly connects the gear shaft 5 and the motor shaft 21. The at least one cooling unit (11, 12, 14, 16, 23) is arranged within the drive device in the coupling unit 6 between the motor unit and the gear unit. This provides for optimal cooling of the drive train because the critical location where gear shaft and motor shaft are connected is cooled most intensively. The device according to the invention is however of a simple configuration; assembly of the parts is easy. Since the cooling unit is arranged in the coupling unit 6 and the coupling unit/cooling unit are arranged between the gear unit and the motor unit, the motor unit or the gear unit can be removed as needed in order to access the interior of the coupling unit 6, for example, in order to repair or service the cooling unit 11

*Kummer et al.* shows in Fig. 1 and Fig. 2 a motor shaft 4 with fan wheel 5 attached thereto. A coupling unit where the motor shaft and the gear shaft are drivingly connected is not shown. The gear unit is only schematically shown; no drive connection of motor shaft and gear shaft is shown. A cooling unit arranged in the coupling unit is not shown. The only teaching to be derived from *Kummer et al.* is that a fan wheel is to be mounted on the motor shaft.

The second embodiment of *Kummer et al.* (Figs. 4 and 5) also shows a fan wheel 23 mounted on the motor shaft 22. The radial blower 26 formed by the fan wheel 23 and the air guide casing 27 is integrated into the casing 20 of the motor (this is explicitly stated in col. 3, lines 31ff, of *Kummer et al.*). This embodiment therefore also simply teaches that a fan wheel is to be mounted on the motor shaft within the motor casing. There is no disclosure in regard to a cooling unit that is to be arranged in a coupling unit provided between motor unit and gear unit, wherein the coupling unit drivingly connects the motor shaft and gear shaft.

*Kummer et al.* therefore cannot anticipate or make obvious the subject matter as claimed in claim 1; claim 1 and its dependent claims are therefore believed to be allowable.

Reconsideration and withdrawal of the rejection of the claims pursuant to 35 USC 102 are therefore respectfully requested.

## CONCLUSION

In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or e-mail from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on May 3, 2007,

/Gudrun E. Huckett/

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